

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LOIS ALT, d/b/a EIGHT IS ENOUGH,

Plaintiff,

AMERICAN FARM BUREAU
and WEST VIRGINIA FARM BUREAU,

Plaintiff-Intervenors,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant,

POTOMAC RIVERKEEPER, WEST
VIRGINIA RIVERS COALITION,
WATERKEEPER ALLIANCE CENTER
FOR FOOD SAFETY, FOOD & WATER
WATCH

Defendant-Intervenors.

Case No. 2:12-CV-00042-JPB

**UNITED STATES' NOTICE OF FILING
[PROPOSED] SURREBUTTAL
IN RESPONSE TO PLAINTIFFS'
[PROPOSED] SURREPLY**

Plaintiffs' filed a Motion for Leave of Court to File a Surreply [Doc. 138] ("Motion") on October 11, 2013, and attached thereto their [proposed] Surreply as Exhibit A. The United States filed an opposition to the Motion on October 15, 2013 (Doc. 140) and, in that opposition, requested leave to file a Surrebuttal in response to Plaintiffs' Surreply on or before October 18, 2013, if the Court should grant the Plaintiffs' Motion. As the Court has not yet ruled upon the Motion or the alternative relief requested by the United States in its opposition to that Motion, we are submitting as Exhibit A our Proposed Surrebuttal for filing in the event the Court grants the Motion and permits the filing of the Surreply and Surrebuttal.

Respectfully submitted,

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United States Attorney

/s/ Betsy Steinfeld Jividen
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Counsel for Defendant EPA

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October, 2013, I electronically filed the foregoing United States' Notice of Filing [Proposed] Surrebuttal in Response to Plaintiffs' [Proposed] Surreply with the Clerk of the Court using the CM/ECF system, which will send electronic notification to counsel of record.

/s/ Betsy Steinfeld Jividen
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